

EXHIBIT C

Owen Diaz-Confidential

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

REPORTER CERTIFIED
TRANSCRIPT

DEMETRIC DI-AZ, OWEN DIAZ and
LAMAR PATTERSON, an individual,

CONFIDENTIAL

Plaintiffs,

Vs.

Case No. 3:17-cv-06748-WHO

TESLA, INC. DBA TESLA MOTORS,
INC.; CitiStaff SOLUTIONS, INC.;
WEST VALLEY STAFFING GROUP;
CHARTWELL STAFFING SERVICES, INC.
and DOES 1-10, inclusive,

Defendants.
_____ /

CONFIDENTIAL

VIDEOTAPED DEPOSITION OF

OWEN DIAZ

SAN FRANCISCO, CALIFORNIA

TUESDAY, MAY 22, 2018

Reported By:
Candy Newland
CSR No. 14256
File No. 18-25470



11:13:27	1	(Reporter clarification.)
11:13:38	2	BY MS. ANTONUCCI:
11:13:38	3	Q. And which effigy is that?
11:13:41	4	A. The drawing of a picaninny.
11:13:46	5	Q. Can you describe the drawing?
11:13:51	6	A. A depiction of an African-American with a bone
11:14:00	7	in his head with big lips.
11:14:17	8	Q. Do you know who at CitiStaff you sent this to?
11:14:22	9	A. I'd have to check the heading of the e-mail.
11:14:26	10	Q. What did you say in the e-mail?
11:14:33	11	A. That a drawing was found. I went to talk to
11:15:11	12	Michael Wheeler and Israel. I can't remember his last
11:15:20	13	name. Bob Martinez admitted to the drawing.
11:15:31	14	Q. Anything else?
11:15:33	15	A. Yes. But I would have to reread the e-mail to
11:15:39	16	get the exact...
11:15:41	17	Q. Did you send pictures of the drawing?
11:15:44	18	A. Yes.
11:15:48	19	Q. And who took those pictures?
11:15:50	20	A. I did.
11:15:52	21	Q. On what phone?
11:15:55	22	A. My iPhone.
11:15:59	23	Q. Is that the same iPhone you have today?
11:16:02	24	A. No.
11:16:03	25	Q. Is it the same phone number?

11:34:14	1	A.	I didn't know their names.
11:34:18	2	Q.	Do you know their names now?
11:34:21	3	A.	No.
11:34:45	4	Q.	How many people were calling you the N-word?
11:34:52	5	A.	Two of the supervisors and a few other
11:35:02	6		employees.
11:35:12	7	Q.	Do you know the names of the supervisors?
11:35:16	8	A.	Yes.
11:35:17	9	Q.	And who are they?
11:35:19	10	A.	Robert -- I don't know his last name -- and Ramon
11:35:26	11		Martinez.
11:35:36	12	Q.	And you said a few other employees. Do you know
11:35:38	13		their names?
11:35:42	14	A.	No.
11:35:45	15	Q.	By "few," how many employees were calling you
11:35:48	16		the N-word?
11:36:06	17	A.	I'm going to to say around -- about 8 to 10.
11:36:19	18	Q.	Okay. How many times did Robert call you the
11:36:29	19		N-word?
11:36:32	20	A.	I can't recall.
11:36:34	21	Q.	Was it less than five?
11:36:44	22	A.	No.
11:36:44	23	Q.	Was it more than five?
11:36:46	24	A.	Yes.
11:36:46	25	Q.	Was it less than 10?

04:39:45 1 Q. And that was three days after you made your
04:39:52 2 complaint; is that correct?

04:40:10 3 A. It appears that way.

04:40:14 4 Q. Do you know Joyce Dela Grande?

04:40:31 5 A. Not that I can recall.

04:40:35 6 Q. Did she ever engage in any discriminating or
04:40:42 7 harassing conduct towards you?

04:40:44 8 A. Possible.

04:40:46 9 Q. Why do you say it's possible?

04:40:49 10 A. Until I can see the picture or anything, I
04:40:53 11 wouldn't know who Joyce was.

04:40:57 12 Q. Do you know Hugo Gulagos?

04:41:01 13 A. No.

04:41:10 14 Q. Do you know Robert Hertado?

04:41:14 15 A. I know a Robert, but I don't know if it's the
04:41:18 16 same person's last name or not. I don't know if it's
04:41:19 17 his last name.

04:41:19 18 Q. So you're not sure whether the Robert that you
04:41:22 19 referenced earlier today is named Robert Hertado?

04:41:26 20 A. Yes.

04:41:27 21 Q. You don't know?

04:41:28 22 A. I don't know.

04:41:29 23 Q. Have you ever called Robert a snake?

04:41:46 24 A. I don't recall.

04:41:53 25 Q. Did Robert ever complain to his boss about you

04:47:43	1	replaced?
04:47:44	2	A. I didn't know that.
04:47:52	3	Q. Do you know anyone named Hugo?
04:47:57	4	A. I can't recall. I don't know.
04:48:51	5	Q. Did you ever speak poorly of Robert to other
04:48:56	6	associates?
04:48:57	7	MR. ORGAN: Objection. Vague and ambiguous.
04:48:59	8	THE WITNESS: Not that I recall.
04:48:59	9	BY MS. ANTONUCCI:
04:49:04	10	Q. Did you ever speak poorly about Hugo to other
04:49:10	11	associates' employees?
04:49:11	12	A. Again, I don't know who Hugo is.
04:49:15	13	Q. Did you ever speak poorly about the leads in the
04:49:25	14	recycling group?
04:49:27	15	A. No.
04:49:28	16	Q. Did you ever speak poorly about the leads in the
04:49:32	17	production control group?
04:49:33	18	A. No.
04:49:44	19	Q. Did you ever speak poorly about the leads who
04:49:49	20	worked in the elevator team?
04:49:52	21	MR. ORGAN: Objection. Vague and ambiguous.
04:49:53	22	THE WITNESS: No.
04:50:28	23	BY MS. ANTONUCCI:
04:50:28	24	Q. Why did you leave Tesla?
04:50:32	25	A. I just couldn't take the abuse anymore.

1 I, CANDY NEWLAND, CSR No. 14256, certify that the
2 foregoing proceedings were taken before me at the time
3 and place herein set forth, at which time the witness
4 was duly sworn, and that the transcript is a true record
5 of the testimony so given.

6
7 Witness review, correction, and signature was

8 (X) by Code.

(X) requested.

9 () waived.

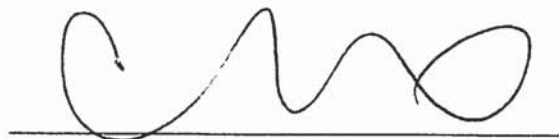
() not requested.

10 () not handled by the deposition officer due to party
11 stipulation.

12
13 The dismantling, unsealing, or unbinding of the
14 original transcript will render the reporter's
15 certificate null and void.

16 I further certify that I am not financially
17 interested in the action, and I am not a relative or
18 employee of any attorney of the parties nor of any of
19 the parties.

20 Dated this 29TH day of May, 2018.

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24 

25 CANDY NEWLAND, CSR 14256